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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|-----------------------|------------------|
| 10/632,308 | 08/01/2003 | Simon van Wonderen | 60130-1467; 02MRA0266 | 3671 |
| 26096 | 7590 | 08/16/2004 | EXAMINER | |
| CARLSON, GASKEY & OLDS, P.C. | | | COMPTON, ERIC B | |
| 400 WEST MAPLE ROAD | | | ART UNIT | |
| SUITE 350 | | | PAPER NUMBER | |
| BIRMINGHAM, MI 48009 | | | 3726 | |

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,308

Applicant(s)

VAN WONDEREN ET AL. 

Examiner

Eric B. Compton

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: in line 4, there should be an --and--inserted before the last method step (d). Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 20, lines 2-3, recites "said second piston moves within said first chamber ..." However, claim 18, for which claim 20 depends recites "a second piston movable within said second chamber." It is believed that the recitation in claim 20, should read --said second piston moves within said second chamber--

Art Unit: 3726

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6, and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. Application Publication 2003/0094341 to Lemieux.

Regarding claim 1, Lemieux discloses a method of assembling a damper assembly (see Figure 1) comprising the steps of:

- (a) forming a first (20) and second chambers (20) within a housing;
- (b) sealing each end of said first and second chambers with an end portion (17, 15, 58, 62); and
- (c) forming corresponding openings in each of said first and second chambers to form a portion of a passageway (18) between said first and second chambers.

Regarding claim 2, the opening in the first and second chambers can be considered mating features, as they are designed to be aligned and connected together to form the passageway.

Regarding claim 3, the rebound chamber is attached to the main chamber. See [0032].

Art Unit: 3726

Regarding claim 6, as shown in Figure 1, the hole through the outer wall of the chamber forms of both the first and second chambers form a portion of the passageway.

Regarding claim 11, Lemieux discloses a damper assembly (see Figure 1) comprising:

a first housing (12) defining a first chamber (20) containing hydraulic fluid and a first piston (34) secured to a rod (30) extending from said first chamber;

a second housing (50) defining a second chamber (22) containing hydraulic fluid and a second piston (56); and

a fluid passage (18) communicating hydraulic fluid between said first and second chambers, said first and second housings including openings cooperating to form said fluid passage.

Regarding claim 12, the opening in the first and second chambers can be considered mating features, as they are designed to be aligned and connected together to form the passageway.

6. Claims 1, 8-9, 11 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. Application Publication 2004/0090020 to Braswell.

Regarding claim 1, Braswell discloses a method of assembling a damper assembly (see e.g. Figure 10) comprising the steps of:

(a) forming a first (38) and second chambers (42) within a housing (34);

(b) sealing each end of said first and second chambers with an end portion (63); and

Art Unit: 3726

(c) forming corresponding openings in each of said first and second chambers to form a portion of a passageway (44) between said first and second chambers.

Regarding claim 8, the first (34) and second housing (40) may be cast together. See [0040].

Regarding claim 9, as shown in Figure 10, the passageway (44) is formed between said first and second chambers in said main housing.

Regarding claim 11, Braswell discloses a damper assembly (see e.g., Figure 10) comprising:

- a first housing (34) defining a first chamber (38) containing hydraulic fluid and a first piston (62) secured to a rod (32) extending from said first chamber;

- a second housing (40) defining a second chamber (42) containing hydraulic fluid and a second piston (see Figure 12); and

- a fluid passage (44) communicating hydraulic fluid between said first and second chambers, said first and second housings including openings cooperating to form said fluid passage.

Regarding claim 16, the first (34) and second housing (40) may be cast together. See [0040].

Regarding claim 17, as shown in Figure 10, the passageway (44) is formed between said first and second chambers in said main housing.

Regarding claim 18, Braswell discloses a damper assembly (see e.g. Figure 10) comprising:

Art Unit: 3726

a housing (34) defining first (38) and second (42) chambers containing hydraulic fluid;

a first piston (62) within said first chamber;

a second piston (see Figure 12) movable within said second chamber; and

a fluid passage (44) formed within said housing communicating hydraulic fluid between said first and second chambers.

Regarding claim 19, threaded ends portions may be are threaded into the ends of the first and second chambers. See e.g. Figures 15 & 19 (showing threaded bores).

Regarding claim 20, the first piston (62) moves within said first chamber (38) and includes a shaft (32) extending from said first chamber, and said second piston (see Figure 12) moves within said second chamber in response to movement of said first piston in said first chamber.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux.

Art Unit: 3726

Lemieux discloses the first and second chambers are attached together but does expressly disclose installing a seal therebetween.

The reference discloses installing seals at a number of locations of the damper where parts mate. See e.g., Figure 1 (at interface of end cap of second chamber). The use of seals is well known to prevent leaking. See also U.S. Pa. 4,834,088, Figs. 1-2 (showing a seal, no reference, between mating chambers).

Regarding claims 5 and 14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have installed a seal between the opening of the first and second openings of the chambers, in light of the teachings of Lemieux, in order to better prevent leakage at the interface.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux in view of U.S. Pat. 6,659,241 to Sendrea.

Lemieux discloses the first and second chambers are attached together but does not disclose using at least one strap to do so.

Sendrea discloses a damper assembly of the same type (i.e., monotube) as Lemieux. A second chamber used as a reservoir is attached to the main chamber by straps (29), "as is known in the art." See Col. 2, lines 40-43.

Regarding claim 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used straps to attach the first and second chambers of Lemieux, in light of the teachings of Sendrea, to easily allow for removal and service of the parts.

Art Unit: 3726

10. Claim 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux in view of U.S. Pats. 6,182,806 to Hasegawa; 5,980,339 to Hartmann et al; DE 4102002 to Mueller et al; and RU 2089765 to Mitin.

Lemieux discloses the invention cited above, but does not disclose forming the housings by extrusion.

Hasegawa, Hartmann, Mueller and Mitin, all disclose forming the shock absorber housings by extrusion. Hartmann remarks that extrusion is a cost effective process. See Col. 1, lines 40-41.

Regarding claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have extruded the first and second housings of Lemieux, in light of the teachings of Hasegawa, Hartmann, Mueller, and Mitin, in order to form the housing by conventional means which are cost effective.

11. Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braswell in view of U.S. Pats. 6,182,806 to Hasegawa; 5,980,339 to Hartmann et al; DE 4102002 to Mueller et al; and RU 2089765 to Mitin.

Braswell discloses the invention cited above, but does not disclose forming the housings by extrusion.

Hasegawa, Hartmann, Mueller and Mitin, all disclose forming the shock absorber housings by extrusion. Hartmann remarks that extrusion is a cost effective process. See Col. 1, lines 40-41.

Regarding claim 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have extruded the first and

Art Unit: 3726

second housings of Braswell, in light of the teachings of Hasegawa, Hartmann, Mueller, and Mitin, in order to form the housing by conventional means which are cost effective.

12. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux in view of U.S. Pat. 4,162,750 to Demers et al.

Lemieux discloses the invention cited above, including connecting the first and second housing, but does not disclose forming providing a keyed slot-mating feature.

Demers discloses connecting two chambers together. As shown in Figure 8, a keyed slot may be used to align and connect the two housings of the chambers.

Regarding claims 4 and 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a keyed slot-mating feature on the first and second housings of Lemieux, in light of the teachings of Demers, in order to provide a simply alignment and connection means.

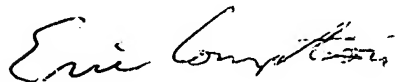
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

Art Unit: 3726

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Eric Compton".

Eric Compton
Patent Examiner